

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH AUGUST, 2017

Bill No. XXVI of 2017

THE PREVENTION OF ACID ATTACKS AND REHABILITATION OF
ACID ATTACK VICTIMS BILL, 2017

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BILL

to provide for prevention of acid attacks by regulation of sale, supply and use of acid or other measures and rehabilitation of women victims of acid attacks and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the Prevention of Acid Attacks and Rehabilitation of Acid Attack Victims Act, 2017.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "acid" means any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability;

(b) "acid attack victim" means a woman on whom acid has been poured or sprinkled with the intention of causing bodily injury or disfigurement and who, as a consequence of such act, has suffered any bodily injury or disfigurement effected by chemical action of the acid. 5

(c) "appropriate Government",—

(i) in relation to a Union territory, means the Central Government; and 10

(ii) in relation to a State, means the Government of that State.

(d) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

REGULATION OF SALE, SUPPLY AND USE OF ACID

Regulation of production, sell etc. of acid.

3. (1) No person shall engaged the business or trade of production, import, storage, sale or delivery or transport of acid of any intensity unless he obtains the license issued by an appropriate authoirty in such manner as may be prescribed to carry on such business or trade. 15

(2) Every such person engaged in the business or trade of acid shall maintain appropriate records regarding the quantity of acid and its concentration and chemical composition. 20

(3) No person shall sell or otherwise deliver to a person an acid of higher concentration than the prescribed degree for the intended use by such person.

(4) No person shall sell or otherwise deliver acid to a person without keeping a record of his identity, the quantity of acid and the purpose for which the acid is to be used.

Classification of acid concentration for different purposes.

4. (1) The Central Government shall by notification in the Official Gazette specify the kinds and degrees of concentration of acid to be used for different purposes. 25

(2) The use of acid of greater then the prescribed concentration for any purpose shall be prohibited.

CHAPTER III

REHABILITATION OF ACID ATTACK VICTIMS

Acid attack victims to be treated as persons with disability in certain cases.

5. Where an acid attack has caused such substantial bodily harm or disfigurement to the victim, as may be prescribed, such victim shall be deemed to be person with disability for the purposes of availing benefits under various schemes, including employment under the Central Government, any State Government, any local body, autonomous bodies under any Government or any public sector undertakings. 35

Allowance to acid attack victims.

6. Where an acid attack victim has suffered such bodily harm or disfigurement in an acid attack that it is likely to impair her chances of obtaining gainful employment or carry on any gainful occupation, the appropriate Government shall pay a monthly allowance to such victim and the amount of such allowance shall not be less than four times the amount of old age pension payable at the place where the victim ordinarily resides. 40

CHAPTER IV

OFFENCES AND PENALTIES

Offences and penalties.

7. Any person who contravenes the provisions of section 3 or section 4 shall be punishable with simple imprisonment which may extend to six months or with fine extending to five lakh rupees or with both. 45

8. In the Indian Penal Code, 1860 (hereinafter referred to as the code) in section 326 A for the words, "and with fine", the words "and with fine which shall not be less than ten lakh rupees" should be substituted. Amendment of section 326A.

9. In the Code, in section 326 B, for the words "seven years and shall also be liable to fine", the words "ten years, and shall also be liable to fine which shall not be less than three lakh rupees" shall be substituted. Amendment of section 326B.

CHAPTER V

AMENDMENT OF THE INDIAN PENAL CODE

45 of 1860. **10.** In section 326B of the Indian Penal Code, 1860 for the words "which may extend to seven years", the words "which may extend to ten years" shall be substituted. Amendment of section 326B of the Indian Penal Code, 1860.

CHAPTER VI

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE

2 of 1974. **11.** In section 357C, of the Code of Criminal Procedure, 1973 (hereinafter referred to as the code of criminal Procedure) the following Explanation shall be inserted, namely,— Amendment of section 357C.

15 "Explanation. For the purposes of this section, any reconstructive procedures and surgeries required shall be treated as medical treatment."

12. In the First Schedule to the Code of Criminal Procedure, under the heading "I.- OFFENCES UNDER THE INDIAN PENAL CODE", in the entry relating to section 326B, in column 3, for the words and number "which may extend to 7 years and with fine", the words and number "Which may extend to 10 years and shall also be liable to fine which shall not be less than three lakh rupees" shall be substituted. Amendment of the First Schedule.

CHAPTER VII

MISCELLANEOUS

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for Removing the difficulty. Power to remove difficulties.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. Act to have overriding effect.

15. (1) The central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if , before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

National polemics has directed people's attention time and again to the question whether India is a place safe enough for women to live. Despite an avowed superior position culturally assigned to women and a plethora of laws for the protection of women, the fate of women by and large remains unaltered, as a study corroborates that four in ten women face some kind of violence or harrassment before the age of 19 years. What is even more perturbing is that there are certain forms of violence against women which emanate from the medieval mindset of subjugation of women and continue till this day. One manifestation of this mindset is incidents of acid attacks on women.

Though acid attack is a crime which can be committed against any man or women, it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the women who has dared to stand up to him. It is not surprising that the incidence of acid attacks is deeper in States with patriarchal leanings.

Until 2013, there was no clear mechanism to ascertain the number of cases involving acid attacks since the Indian Penal Code did not recognise it as a separate offence. The offence of acid attack was tried under various sections of the Indian Penal Code (IPC) and only estimates of figures of such attacks were available. The Criminal Law (Amendment) Act, 2013 inserted new sections 326A and 326B in the Indian Penal Code and made specific offences of hurt by use of acid.

Though cases of acid attacks on women have been witnessed for decades, the need to address the legislative framework underlying the offence of acid attack was emphasised by the Supreme Court in *Laxmi vs. Union of India*. In this case, the court issued directions *inter alia* regarding compensation to acid attack victims, effective regulation of sale of acid, and free treatment of victims. Some of these guidelines have been incorporated in law. Still, there is little clarity on issues such as penal provisions against dealers making unregulated sales of acid, adequacy of the amount of compensation of victims, their status as persons with disabilities, etc.

In order to facilitate rehabilitation of acid attack victims and to prevent unregulated sale of acid, the Bill proposes to make the following provisions:—

- (i) to provide for classification of acid on the basis of its intensity and concentration and to prevent sale of acid of higher concentration for day-to-day purposes;
- (ii) to provide that acid shall not be sold without verifying identity of the buyer and the purpose of its use;
- (iii) to provide that proper records of stock, sales, etc. of acid shall be maintained by dealers;
- (iv) to make unregulated sale of acid an offence punishable with six months imprisonment and fine;
- (v) to provide that acid attack victims shall be treated as persons with disabilities for the purposes of availing benefits under various schemes of the Governments, including employment under the Central Government, State Governments or bodies thereunder;
- (vi) to increase the maximum quantum of punishment for acid attack under section 326B of the Indian Penal Code to imprisonment for ten years;

(vii) to stipulate the minimum amount of compensation for acid attack victims as ten lakh in cases of grievous hurt and three lakh in other cases or such higher amount as may be specified;

(viii) to provide monthly allowance to certain victims of acid attacks; and

(ix) to provide that any reconstructive cosmetic surgeries shall be treated as medical treatment in case of acid attack victims.

The Bill seeks to achieve the above objects.

NARAYANLAL PANCHARIYA

FINANCIAL MEMORANDUM

Clause 5 provides for entitlement of employment to the victims of acid attack.

Clause 6 of the Bill seeks to provide a monthly allowance to certain victims of acid attacks. Expenditure on this count shall be borne by the Central Government insofar as such cases relate to the Union Territories. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an estimate of recurring or non-recurring expenditure involved since it would depend upon the number of eligible acid attack victims.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the purposes of the Bill. The matters in respect of which rules may be made or notification issued in accordance with the aforesaid provisions of the Bill are matters of procedure and details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is therefore of a normal character.

RAJYA SABHA

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(Shri Narayan Lal Panchariya, M.P.)